

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERYL KING,

Plaintiff,

Civil No. 07-11810
Hon. John Feikens

v.

PATRICIA CARUSO, RICHARD STAPLETON,
and ANN BAERWALDE,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
SUMMARY JUDGMENT**

Presently before the Court is the report and recommendation issued on January 18, 2008 by Magistrate Judge Steven D. Pepe, recommending that I grant summary judgment to the Defendants in this matter. On January 28, 2008, Plaintiff Cheryl King (King) filed timely objections. There is no response to King's objections, and the time for doing so has elapsed. Having reviewed the briefs, the court concludes that a hearing is unnecessary. See E.D. Mich. LR 7.1(e) (2). For the reasons stated below, the court will deny Petitioner's objections, adopt the report and recommendation, and GRANT summary judgment.

I. STANDARD OF REVIEW

When timely objections are made, the Court is required to make de novo review and determinations of those portions of the report and recommendation to which objections were made. 28 U.S.C. § 636(b)(1); United States v. Walters, 638 F.2d 947 (6th Cir. 1981). De novo

review requires this Court to reexamine the evidence brought before the magistrate to determine whether the report and recommendation should be accepted, denied, or modified. 28 U.S.C. § 636(b)(1).

General objections, or those objections that restate arguments made before the magistrate are not sufficient to alert the Court to alleged errors made by the magistrate judge. In other words, if the “objection” merely states a disagreement with the magistrate’s suggested resolution or summarizes what was brought before the magistrate, it is not an objection for the purposes of this review. Howard v. Secretary of Health and Human Services, 932 F.2d 505, 508 (6th Cir. 1991) (holding, where objection was to entirety of report and recommendation, that “it is arguable in this case that Howard’s counsel did not file objections at all ... [I]t is hard to see how a district court reading [the ‘objections’] would know what Howard thought the magistrate had done wrong”).

II. DISCUSSION

At the outset, I note that the report and recommendation is thorough and well reasoned. However, in Plaintiff King’s objections, she contends that the magistrate erred in several respects: (1) the magistrate improperly recommended summary judgment when he weighed evidence prior to discovery; (2) the magistrate violated state and federal rules of statutory interpretation and judicial application; (3) Defendant Baerwalde is an Administrative Law Judge who acted outside her authority and is not entitled to immunity; and (4) her First Amendment right of freedom of association was violated when her visitation rights were withdrawn “*de facto*.”

After reviewing each objection, I am compelled to DENY them. Plaintiff’s “objections”

are objections only because she has labeled them as such. In truth, the “objections” merely restate Plaintiff King’s arguments before the magistrate and fail to meet the minimum requirements set forth in the Howard case. Howard, 932 F.2d 508. An independent review of the report and recommendation reveals no errors, substantive or otherwise, that would call into question the ultimate recommendation of the magistrate judge: that Defendants’ summary judgment motion should be granted and the case dismissed. The court is confident, according to its *de novo* review of the report and recommendation, that the report and recommendation is persuasive and should be adopted in full and incorporated by reference.

III. CONCLUSION

For the reasons stated above, I DENY Plaintiff’s objections, and the magistrate’s report and recommendation is ADOPTED in full and incorporated by reference. As such, I GRANT Defendants’ Motion for Summary Judgment and DISMISS this case.

IT IS SO ORDERED.

Date: March 19, 2008

s/John Feikens
United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/ parties of record on March 19, 2008, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager